

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

CLANT M. SEAY

PLAINTIFF

v.

CAUSE NO. 3:18CV26M-V

UNITED STATES DEPARTMENT OF  
AGRICULTURE, ET AL.

DEFENDANT

**AGREED ORDER AWARDING COSTS AND DISMISSING CAUSE OF ACTION**

WHEREAS, United States Magistrate Judge Virden submitted a Report and Recommendation (R&R) in this matter on September 5, 2018. [Doc. #39]. The R&R recommended that the Plaintiff be awarded his costs in this FOIA action. Additionally, the R&R recommended that the Court reserve ruling on Plaintiff's request for attorney fees under FOIA and stay the case until the Fifth Circuit resolved *Gahagan v. U.S. Citizenship and Immigration Services*, 17-30898, (5th Cir. November 14, 2017). The Court adopted the R&R on October 22, 2018. [Doc. #43].

WHEREAS, the Fifth Circuit issued its Opinion in *Gahagan* on December 20, 2018, and held that *pro se* attorneys, such as the Plaintiff in this matter, are ineligible for fee awards under FOIA. As such, the parties agree that the Plaintiff is not entitled to an award of attorney's fees in this matter. The Court lifted the stay in this case on January 4, 2019.

WHEREAS, the parties have resolved the only remaining issue in this matter, which pertains to the awarding of costs to the Plaintiff. The parties have reached an agreement on the amount of costs to be awarded to the Plaintiff and that the cause of action should be dismissed with prejudice.

THEREFORE, IT IS ORDERED, that Plaintiff is awarded reasonable costs in the amount of \$750.00.

IT IS FURTHER ORDERED, that this cause of action is dismissed with prejudice. The Court will retain jurisdiction over this matter for a period of sixty (60) days following entry of this Agreed Order solely for the purpose of enforcement of the terms of this Order.

This the 7<sup>th</sup> day of March, 2019.

**/s/ MICHAEL P. MILLS**  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF MISSISSIPPI**

Prepared by and agreed to:

SAMUEL D. WRIGHT  
Assistant United States Attorney  
Mississippi Bar No. 101425  
900 Jefferson Avenue  
Oxford, Mississippi 38655-3608  
Telephone: (662) 234-3351  
Fax: (662) 234-3318  
[Samuel.Wright@usdoj.gov](mailto:Samuel.Wright@usdoj.gov)

Agreed to:

CLANT M. SEAY (MS Bar 6695)  
1501 Jackson Ave. West  
Suite 113-115  
Oxford, MS 38655  
Phone: (662) 380-3367  
[cmseaylaw@aol.com](mailto:cmseaylaw@aol.com)